

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VICTORY RECORDS, INC., and ANOTHER
VICTORY, INC.,

X

Case No.: 08-CV-00314 (PKC)

Plaintiffs,

- against -

VIRGIN RECORDS AMERICA, INC.,
a division of EMI MUSIC NORTH AMERICA,

Defendant.

X

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying Declaration of Andrew H. Bart, dated April 17, 2008, and the exhibits submitted therewith, and the accompanying Memorandum of Law, the undersigned attorneys for defendant Virgin Records America, Inc. shall move this Court, before the Honorable Judge P. Kevin Castel, United States District Judge for the Southern District of New York, at the United States Courthouse located at 500 Pearl Street, Room 2260, New York, New York 10007, at a time set by the Court, to transfer the above-captioned action (the "Action") to the Northern District of Illinois where a related action is pending, pursuant to 28 U.S.C. § 1404(a); or, in the alternative, to stay the Action pending resolution of a related action that is pending in the Northern District of Illinois, and for such other and further relief as the Court deems appropriate.

Dated: New York, New York
April 17, 2008

JENNER & BLOCK LLP

By:

Andrew H. Bart
Carletta F. Higginson
919 Third Avenue, 37th Floor
New York, New York 10022

(212) 891-1600

*Attorneys for Defendant Virgin Records America,
Inc.*

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: **CERTIFICATE OF SERVICE**

I, Carletta F. Higginson, do hereby certify that on this 17th day of April 2008 I caused the within **Notice of Motion** to be filed via the Southern District of New York's Electronic Case Filing system and caused same to be served via U.S. First Class mail delivery upon **Robert S. Meloni, Esq., Meloni and McCaffrey, P.C.**, 1350 Avenue of the Americas, Suite 3100, New York, New York 10019 by having a true and correct copy of same wrapped in a postage-paid envelope and deposited into the care and custody of the United States Postal Service.


Carletta F. Higginson